

Chapter Trans 302

VEHICLE MARKING

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Note: Chapter MVD 4 as it existed on December 31, 1982, was repealed and a new chapter Trans 302 was created effective January 1, 1983.

Trans 302.01 Introduction. (1) **PURPOSE.** Under the authority of s. 194.09, Stats., this chapter provides a uniform means for identifying the owner or operator of vehicles subject to ch. 194, Stats., and private vehicles having a gross vehicle weight of more than 12,000 pounds.

(2) **SCOPE.** This chapter applies to vehicles transporting commodities either in private or for hire carriage operating on Wisconsin highways.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; am. (1) and (2), Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.03 Definitions. (1) "Department" means the department of transportation.

(2) (a) "For hire motor carrier" means any person engaged in the transportation of passengers or property upon the public highways for compensation, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, where the purchase or sale thereof is not a bona fide purchase or sale. Any person who pretends to purchase property to be transported by such person or who purchases property immediately prior to and sells it immediately after the transportation thereof shall be deemed to be transporting the property for hire and not a bona fide purchaser or seller thereof. The lease or rental of a motor vehicle to a person for transportation of the person's property which lease or rental directly or indirectly includes the lessor's services as a driver shall be deemed to be transportation for hire and not private carriage.

(b) "For hire motor carrier" does not include a person who transports passengers in taxicab service or in commuter car pool or van pool vehicles designed to transport less than 16 passengers or in a school bus under s. 120.13 (27), Stats. Nothing herein contained shall be construed to include motor vehicle operations which are conducted merely as an incident to or in furtherance of any business or industrial activity.

(3) "Person" means any individual, firm, partnership, corporation, company, association or any other organized group of individuals.

(4) "Private motor carrier" means any person except a for hire motor carrier engaged in the transportation of property by motor vehicle other than an automobile or trailer used therewith, upon the public highways.

(5) "Rental company" means a lessor or leasing company referred to in s. 194.04 (3) (c), Stats. It includes every person regularly engaged in the business of leasing motor vehicles without drivers or leasing trailers to be hauled or propelled by a motor vehicle. "Rental company" does not include the renting of automobiles or trailers used therewith when such vehicles are operated in private motor carriage.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; r. (1) and (2), renum. (3) to (7) to be (1), (2) (a), (b) to (5), am. (2) (a), (b) to (5), April, 1998, No. 508, eff. 5-1-98; correction in (2) (b) made under s. 13.93 (2m) (b) 7., Stats., Register September 2002 No. 561.

Trans 302.04 Marking on power units. (1) Except as otherwise provided in this chapter, every motor vehicle with a gross weight of more than 12,000 pounds operated by a private motor carrier and every motor vehicle operated by a for hire motor carrier shall display the following information on both sides of the power unit when operating on the highways of Wisconsin:

(a) The name of the carrier who is operating the vehicle. Unless the vehicle is registered by a rental company or by an owner-operator, the name of the carrier shall appear as it does on the registration certificate.

(b) The city and state where the carrier has its main office or headquarters, except that at its option the carrier may identify its vehicles with the city and state of a branch office where the vehicle is domiciled.

(c) The authority number if the vehicle is operated by a carrier holding authority from the department or federal transportation authority.

(d) The rental company name and rental company number if the vehicle is rented or leased from a rental company.

(2) For-hire carriers utilizing vehicles that are rented or leased from a rental company shall, in addition to the rental company name and number, be identified as required in sub. (1) (a), (b) and (c).

(3) Private carriers utilizing vehicles that are rented or leased from a rental company for 30 days or less are exempt from the requirements of sub. (1) (a) and (b).

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; am. (1) (intro.) and (c), Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.05 Empty weight marking. The empty weight of a power unit, trailer or semitrailer shall be placed on the left side of the power unit, trailer or semitrailer as required by s. 348.185, Stats., except that vehicles registered with Wisconsin base registration may write or type the empty weight on the registration certificate in lieu of displaying the empty weight on the vehicle.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; am. Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.06 Exceptions to marking requirements. If a carrier subject to s. Trans 302.04 is marked in accordance with 49 CFR part 390.21, the carrier shall be deemed to meet the requirements of s. Trans 302.04 (1) (a) and (b).

Note: 49 CFR Part 390.21 is printed as Appendix 1 at the end of this chapter.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; r. and recr. Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.07 Alternative marking. (1) With approval of the department, an owner or operator may use a recognized company logo or identification that does not fully comply with s. Trans 302.04 (1) (a). The application shall contain all of the following:

(a) A full size blueprint, drawing, or actual decal of the type of alternative marking that the applicant wishes to use.

(b) An indication that this is a recognized symbol of the company.

(c) A letter signed by a company officer outlining the reasons why the request for alternative marking should be granted.

(2) Alternative marking requests may not be granted if the alternative marking would give a false or distorted impression of the operation of the vehicle.

(3) The use of an alternative marking does not exempt the carrier from the remaining requirements of s. Trans 302.04.

Note: Application to use an alternative type of marking shall be made to the Administrator, Division of State Patrol, P.O. Box 7912, Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53707.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1996, No. 488; am. (1) (intro.) and (2), r. (4), Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.08 Size and visibility requirements.

(1) The identification required in s. Trans 302.04 shall be at least 2 inches in height with at least 1/4-inch wide brush stroke. The identification shall have a sharp color contrast with the background on which it is applied. The identification shall remain legible and maintained without deterioration.

(2) The identification requirements of this chapter may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to the power unit. The removable devices shall be attached so that the identification is in a horizontal position. The removable device may not be attached to the side frame rail.

The loss of a removable identification device is not a defense to enforcement action taken for noncompliance of s. Trans 302.04.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; reprinted to correct error in (1), Register, February, 1997, No. 494; am. (2), Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.09 Obsolete identification. (1) A motor vehicle subject to this chapter may not be operated upon Wisconsin highways unless current registration has been applied for, or unless the registration plates or appropriate decal sticker identification have been affixed. Registration plates or decal sticker identification shall be affixed immediately upon receipt of the plate or decal sticker and the expired registration identification removed.

(2) A motor vehicle no longer being operated under the terms of a lease shall have all markings identifying the vehicle as being operated under a lease arrangement removed prior to operation on Wisconsin highways.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1996, No. 488; r. (3) to (5), Register, April, 1998, No. 508, eff. 5-1-98.

Trans 302.10 Additional information. Nothing in this chapter prohibits the display of additional information or advertising that does not defeat the purpose or intent of identifying the operator of the vehicle.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83.